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February 09, 2018

Acquisitions

Large Portfolio of Former Nokia Patents Put on Market

BNA Snapshot

- Aqua Licensing retained to sell portfolio of former Nokia patents
- Portfolio spans 557 patent families, includes 497 U.S. assets

By **Malathi Nayak**

About 1,600 Nokia Corp. telecommunications-related patents have been put up for sale as the company continues to trim its intellectual property holdings.

A group of undisclosed individual and private equity investors, called WSOU Investments LLC, retained Aqua Licensing LLC, a patent advisory and transaction firm, to sell the large telecommunications patent portfolio, the firm said in a Feb. 7 statement. The portfolio covers technologies developed by the Finnish company's units such as Nokia Technologies, Nokia Networks, and telecom equipment maker Alcatel-Lucent, which Nokia acquired last year, the firm said.

Nokia has assigned patents to WSOU in recent months, Patent and Trademark Office data show.

The sale will "potentially affect players in the telecom field, such as manufacturers and users of base stations, network nodes, network operations centers, and the like," Aqua Licensing said on its website. The active patents in the portfolio have an average remaining life of eight years, it said.

The new offer comes shortly after Nokia sold more than 6,000 patents covering telecommunications technology in August, which was also facilitated by Aqua Licensing. Large operating companies such as Nokia are looking to divest patents that aren't core to their businesses and streamline their intellectual property holdings.

The portfolio spans 557 patent families, includes 497 U.S. assets, and covers hardware technology and the "back-end" processes of the telecommunications business, according to Aqua Licensing.

"The Nokia offering is indicative of the fact that there are some very large portfolios hitting the market," Mark McMillan, Aqua Licensing's founder and managing director, told Bloomberg Law. "We've got other large offerings in the pipeline that we will be doing later this year as well."

Alcatel-Lucent Patents

A diverse set of parties has shown interest in these technology areas, McMillan said without naming companies. Companies and startups looking to purchase patents to

defend against potential litigation or to grow their technologies could be interested buyers.

The majority of the portfolio for sale—83 percent of all assets—are patents developed by Alcatel-Lucent, according to Aqua Licensing's statement.

The current patents for sale were filed more recently compared to the portfolio Nokia sold last year, McMillan said. "This portfolio is significantly younger."

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ARTICLE

United States: Huawei Remains In The WSOU Crosshairs, With Nine New Cases Filed

28 March 2020

by [RPX Corporation](#)

RPX Corporation

The single case that [WSOU Investments, LLC](#) filed against [Huawei](#) has become a barrage ([6:20-cv-00189](#), [6:20-cv-00190](#), [6:20-cv-00191](#), [6:20-cv-00192](#), [6:20-cv-00196](#), [6:20-cv-00198](#), [6:20-cv-00199](#), [6:20-cv-204](#), [6:20-cv-205](#)), with WSOU filing nine new Western District of Texas cases, each asserting a single patent from a portfolio of assets received from [Nokia](#) (including from [Alcatel-Lucent](#)) throughout 2017. Together, the ten suits target a range of networking devices and systems provided by Huawei.

The first of a family of three, the patent asserted in the -189 case ([7,095,713](#)) issued to Alcatel-Lucent in August 2006 with an estimated priority date in April 2003. The NPE accuses Huawei of infringement through the provision of certain S9300 series (e.g., S9303, S9306, and S9312) network switches. The '713 patent generally relates to a "fabric access device" with "multiple system interfaces".

Comprising a one-member family, the patent asserted in the -190 case ([7,487,240](#)) generally relates to verifying network activity and displaying the results of that verification, as well as generating alarms based on certain related thresholds. It issued to Alcatel-Lucent in February 2009 with an estimated priority date in April 2003. WSOU has sued Huawei over the provision of network management products (including the iManager U2000 Unified Network Management System), targeting features related to performance management and fault detection.

Comprising a single patent family, the patent asserted in the -191 case ([7,508,755](#)) issued to Alcatel-Lucent in March 2009 with an estimated priority date in July 2003. It is generally directed to a "system for rerouting traffic from a bi-directional Label Switched Path". Huawei is accused of infringement through the provision of routers that support Fast reroute (FRR) through Multiprotocol Label Switching Traffic Engineering (MPLS TE), including the Huawei NetEngine 40E series routers.

Comprising a family of one, the patent asserted in the -192 case ([7,515,546](#)) issued to Alcatel-Lucent in April 2009 with an estimated priority date in December 2001. The '546 patent generally relates to "automatically discovering networking devices" that have routing capabilities within a "managed network". Huawei is accused of infringement through the provision of the eSight Unified Management system, with the system's integration of operations and maintenance (O&M) management at issue.

The second of a two-member family, the patent asserted in the -196 case ([7,860,512](#)) issued to Nokia in December 2010 with an estimated priority date in September 2002. The '512 patent broadly pertains to "managing radio resources and radio system". Huawei is accused of infringement through the provision of enterprise networking solutions, including the Huawei eLTE Integrated Access Solution.

Comprising a family of one, the patent asserted in the -198 case ([7,872,973](#)) generally relates to lossless network traffic management. It issued to Alcatel-Lucent in January 2011 with an estimated priority date in March 2006. Huawei is accused of infringement through the provision of network switches that incorporate "queueing features", including the CloudEngine 6800 series switches.

Comprising a single patent family, the patent asserted in the -199 case ([8,200,224](#)) issued to Alcatel-Lucent in June 2012 with an estimated priority date in December 2008. The '224 patent broadly relates to handover between devices. WSOU accuses Huawei of infringement through the provision of LTE routers, network elements, smartphones, smart home devices, trunking handsets and terminals, and related software. At issue are the products' ability to handover through LTE.

Comprising a one-member family, the patent asserted in the -204 case ([8,417,112](#)) issued to Alcatel-Lucent in April 2013 with an estimated priority date in May 2003. The '112 patent generally relates to optical network switching in the event of detecting faults, with Huawei accused of infringement through the provision of networking hardware, including the OptiX PTN 3900 optical transport platform and 1900 series routers. At issue are the devices' use of protection switching.

Comprising a family of one, the patent asserted in the -205 case ([9,084,199](#)) issued to Alcatel-Lucent in July 2015 with an estimated priority date in September 2004. The '199 patent generally relates to adjusting a channel quality indicator (CQI) channel based on "quality metrics" in a cellular network. Huawei is accused of infringement through the provision of base stations that "generate quality metrics to dynamically adjust system or CQI channel configurations and power settings".

WSOU was formed in Delaware in July 2017; its address, as provided in assignment records, is that of Coast Asset Management, a "leading fixed income arbitrage manager" run by David Ellison Smith, as well as **Juniper Capital Partners**, an "investment firm with a predisposition towards distressed or out-of-favor assets with attractive valuations" controlled by Jay Alexander Wolf. In conjunction with its new complaint, WSOU identifies its corporate parent as **WSOU Holdings, LLC**, a Delaware entity formed on May 7, 2019. Delaware records further identify a **WSOU Investments II, LLC**, an entity formed there in January 2018, and **WSOU Capital Partners, LLC**, an entity formed there on May 7, 2019, as well.

While Delaware records do not provide information about WSOU's management, patent assignment agreements filed with the USPTO (e.g., this [one](#)) shed some light on who is behind it: Craig Etchegoyen (cofounder and CEO of **Uniloc Corporation Pty. Limited**) has signed on WSOU's behalf (as a member), as has Stuart Shanus (as managing member). Shanus (a former partner at Reed Smith LLP) serves as general counsel of Wade and Company, a Canadian "private family office investment firm and merchant bank" which, according to documents filed with the USPTO (e.g., the Amended Schedule B1 in [this](#) document), originally acquired certain patents from Nokia on July 22, 2017, assigning the whole of its interest in the patent purchase agreement to WSOU on August 21 (see Assignment of Patent Purchase Agreement in [this](#) document).

On January 7, 2020, Shanus registered WSOU to conduct business in Texas, filing a same-day document indicating that the entity would conduct business under the name "WSOU Investments" and a January 21 document indicating that it would do so under the name "Brazos Development and Licensing". (In its complaints, WSOU indicates that it does business as "Brazos Licensing and Development".)

WSOU received patents from Nokia/Alcatel-Lucent throughout 2017, with USPTO records indicating that the entity holds nearly 4,200 assets. Certain assignment agreements filed with the USPTO also include a Release of and Relinquishment of Interest, according to which, WCFT Cayman (signed for by Marc Wade, chairman of Wade and Company) and Orange Holdings (a Nevada entity controlled by Etchegoyen) "had preliminary discussions concerning forming and operating WSOU Investments, LLC". The document goes on to state that WSOU was "subsequently formed to purchase intellectual property from Alcatel Lucent, Nokia Solutions and Networks BV, Nokia Technologies Oy" but that WCFT Cayman has never owned any interest in WSOU.

AQUA Licensing LLC was apparently retained by WSOU to manage the sale of a "large telecommunications patent portfolio that was previously owned by Nokia and was developed by Alcatel-Lucent ("ALU")/Bell Labs Nokia Technologies and Nokia Networks". AQUA [describes](#) the portfolio as comprising 6,069 granted patents and 734 patent applications, as well as 3,165 foreign counterparts filed in countries including Germany, France, and China.

WSOU's asserted patents are among roughly 3,000 patent assets assigned to WSOU in July 2017. WSOU granted a security interest in its portfolio (nearly 4,000 former Nokia/Alcatel-Lucent assets) to **OCO Opportunities Master Fund, L.P.** (f/k/a Omega Credit Opportunities Master Fund, LP) in August 2017, a security interest that was released on May 16, 2019, the same day that a new security interest in approximately 2,300 of those assets—granted to **BP Funding Trust, Series SPL-VI** (a "statutory series of BP Funding Trust, a Delaware statutory trust"), was recorded. BP Funding Trust appears to be a lending vehicle for **BasePoint Capital**, a White Plains New York "diversified specialty finance group".

These nine new cases join a tenth, filed a few days earlier against Huawei, details about which can be read on **RPX Insight** [here](#). 3/16, 3/18, 3/20, Western District of Texas.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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